

# SENATE BILL No. 326

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-8-52.

**Synopsis:** School bus stop arm violations. Provides that a law enforcement officer shall issue a summons and promise to appear to a person who the law enforcement officer has probable cause to believe has committed a school bus stop arm violation. Provides that a statement signed under penalty of perjury by a school bus driver, school bus monitor, or crossing guard constitutes probable cause.

**Effective:** July 1, 2016.

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## Bassler

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January 7, 2016, read first time and referred to Committee on Civil Law.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 326

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-21-8-52, AS AMENDED BY P.L.188-2015,  
2       SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2016]: Sec. 52. (a) A person who operates a vehicle and who  
4       recklessly:  
5               (1) drives at such an unreasonably high rate of speed or at such an  
6               unreasonably low rate of speed under the circumstances as to:  
7                       (A) endanger the safety or the property of others; or  
8                       (B) block the proper flow of traffic;  
9               (2) passes another vehicle from the rear while on a slope or on a  
10              curve where vision is obstructed for a distance of less than five  
11              hundred (500) feet ahead;  
12              (3) drives in and out of a line of traffic, except as otherwise  
13              permitted; or  
14              (4) speeds up or refuses to give one-half (1/2) of the roadway to  
15              a driver overtaking and desiring to pass;  
16       commits a Class C misdemeanor. However, the offense is a Class A  
17       misdemeanor if it causes bodily injury to a person.



1 (b) A person who operates a vehicle and who recklessly passes a  
2 school bus stopped on a roadway when the arm signal device specified  
3 in IC 9-21-12-13 is in the device's extended position commits a Class  
4 B misdemeanor. However, the offense is a Class A misdemeanor if it  
5 causes bodily injury to a person.

6 (c) If an offense under subsection (a) or (b) results in damage to the  
7 property of another person, it is a Class B misdemeanor and the court  
8 may recommend the suspension of the current driving license of the  
9 person convicted of the offense described in this subsection for a fixed  
10 period of not more than one (1) year.

11 **(d) A law enforcement office shall issue to a person who the law**  
12 **enforcement officer has probable cause to believe has violated**  
13 **subsection (b) a summons and promise to appear under**  
14 **IC 35-33-4-1 instead of arresting the person. A written statement**  
15 **signed, under penalty of perjury, by:**

- 16 (1) a school bus driver;  
17 (2) a school bus monitor; or  
18 (3) a crossing guard;

19 **that affirms or attests that the person has violated subsection (b)**  
20 **constitutes probable cause for purposes of this subsection.**

